



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



August 29, 2003

**CERTIFIED MAIL**  
**# 7000 1670 0000 0585 7820**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Johnson's Auto Care, Inc.  
Route 302, Redston Road  
North Conway, New Hampshire 03860

Attn: Mr. Alvah Johnson, Owner

**Re: Johnson's Auto Care, Inc.**  
**North Conway, New Hampshire**  
**EPA ID # NHD981890940**

Dear Mr. Johnson:

On July 16, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Johnson's Auto Care, Inc. (Johnson's). The purpose of the inspection was to determine Johnson's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

**Env-Wm 502.01 – Hazardous Waste Determination**

At the time of the July 16, 2003 inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Johnson's. DES inspectors also confirmed that Johnson's disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Johnson's test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Johnson's was also advised that a waste determination may be accomplished by using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Johnson's may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and the DES "Fluorescent Lamp and Ballast Recycling Facility" list provided during the inspection will aid you with the determination. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

Johnson's will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

*The July 22, 2003 Johnson's submittal provided documentation substantiating that the facility is managing waste lamps as universal waste and has contacted a universal waste recycler for proper disposal. No further action is required.*

2. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, two (2) 55-gallon containers of used oil destined for recycling, were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that Johnson's label all containers and tanks of used oil destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

*At the time of inspection, Johnson's labeled all containers of used oil destined for recycling with the words "Used Oil for Recycle." No further action is required.*

3. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the one (1) 55-gallon container of used oil destined for recycling, was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requested that Johnson's keep all containers and tanks closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

*At the time of inspection, Johnson's closed all containers of used oil destined for recycling. No further action is required.*

4. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, Johnson's stated that used oil generated at the facility was sent for off-site burning. It was also disclosed that a used oil determination had not been conducted for the shipments disposed.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination on their used oil by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCBs if no source of PCBs is present).

DES requested that Johnson's conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Johnson's should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

As stated above, used oil generated by Johnson's was previously transported off-site for subsequent burning. Please be advised that Env-Wm 807.08(a)(1)a. of the New Hampshire Hazardous Waste Rules defines a "marketer" of used oil being recycled as a generator who transfers used oil directly to a burner. Since used oil generated at Johnson's is burned off-site, Johnson's is considered a marketer of used oil. As such, Johnson's is subject to the provisions of Env-Wm 807.09 of the NH Hazardous Waste Rules, "Standards for Marketers of Used Oil Being Recycled", which includes, but is not limited to, notification, analysis of each batch of used oil transferred, shipment on a 3-copy bill of lading, and certain record keeping requirements.

However, if Johnson's chooses instead to act only as a generator of used oil, then you only need to comply with the generator requirements of Env-Wm 807.06. Under Env-Wm 807.06, you will need to ensure that the oil is delivered to a facility authorized to

accept it and use a registered hazardous waste transporter. As a generator, you may choose to use the self-transport option and transport up to 110 gallons at any one time, as long as the used oil is delivered to a notified marketer or authorized collection facility which will perform testing of the oil. Please refer to the list (provided during the inspection) of registered hazardous waste transporters who have also notified the Waste Management Division of their marketing activities. You may find that these marketers may pick-up your used oil directly at your business for delivery to an authorized facility at little or no cost to you.

*The July 22, 2003 Johnson's submittal provided documentation substantiating that a notified used oil marketer has been contracted to collect and recycle used oil generated at the facility. No further action is required.*

5. Env-Wm 102.03(c)(1) – Universal Waste Management

At the time of the inspection, one (1) 55-gallon container of universal waste antifreeze was not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Johnson's ensure that containers of universal waste antifreeze are closed, except when universal waste is being added to or removed from the container.

*At the time of inspection, Johnson's closed the container of universal waste antifreeze. No further action is required.*

6. Env-Wm 14.04- Universal Waste Management

At the time of the inspection, three (3) 55-gallon containers of universal waste antifreeze were not marked with the words "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

Env-Wm 1114.04 requires universal waste handlers to ensure all container(s) holding universal waste antifreeze to be clearly labeled or marked with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

DES requested that Johnson's clearly label or mark container(s) holding universal waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

*At the time of inspection, Johnson's marked all containers of universal waste antifreeze. No further action is required.*

The July 16, 2003 inspection revealed that Johnson's generates contaminated wipers from cleaning automotive parts. According to facility representatives, the wipers are collected for laundering by an outside contractor. Inspectors observed Johnson's storage of contaminated wipers in several collection containers located throughout the facility. At the time of the inspection, the collection containers were closed; however, all containers were not marked with the words "Contaminated Wipers for Laundering." Inspectors advised Mr. Johnson that contaminated wipers, generated at the facility, are subject to the DES "Contaminated Cloth Wipers for Laundering" Fact Sheet (WMD-HW-6) which was provided during the inspection. As a result, Johnson's marked all wiper containers and established full compliance with the policy.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Johnson's to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your

**DES**

operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

**COPY**

Kenneth W. Marschner, Administrator

Waste Management Division

cc: DB/RCRA/NOPV/Archives  
Philip J. O'Brien, Ph.D., P.G., Director,  
Gretchen Rule, Administrator, DES Leg

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Modules